

from any local citrus canker eradication program office in Florida, or from the USDA Citrus Canker Eradication Program, 6901 West Sunrise Boulevard, Plantation, FL 33313. The completed application should be accompanied by a copy of the public order directing the destruction of the trees and its accompanying inventory that describes the number and type of the certified nursery stock removed. If the certified nursery stock was planted in pots, the inventory should specify the size of the container. If the certified nursery stock was bare root plants or in a temporary container, the inventory should specify whether the plant was non-budded or budded. The completed application must be sent to the USDA Citrus Canker Eradication Program, Attn: Commercial Compensation, 10300 Sunset Dr., Suite 150, Miami, FL 33173. Claims for certified nursery stock must be received by August 7, 2006.

[71 FR 33172, June 8, 2006]

Subpart—Mediterranean Fruit Fly

SOURCE: 56 FR 57576, Nov. 13, 1991, unless otherwise noted.

§ 301.78 Restrictions on interstate movement of regulated articles.

No person shall move interstate from any quarantined area any regulated article except in accordance with this subpart.¹

[56 FR 57576, Nov. 13, 1991, as amended at 66 FR 21051, Apr. 27, 2001]

§ 301.78–1 Definitions.

In this subpart the following definitions apply:

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health

¹Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).

Inspection Service of the United States Department of Agriculture (APHIS).

Certificate. A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of Mediterranean fruit fly and may be moved interstate to any destination.

Commercially produced. Fruits and vegetables that an inspector identifies as having been produced for sale and distribution in mass markets. Such identification will be based on a variety of indicators, including, but not limited to: Quantity of produce, monocultural practices, pest management programs, good sanitation practices including destruction of culls, type of packaging, identification of grower or packing house on the packaging, and documents consigning the shipment to a wholesaler or retailer.

Compliance agreement. A written agreement between APHIS and a person engaged in growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart.

Core area. The 1 square mile area surrounding each property where Mediterranean fruit fly has been detected.

Day degrees. A mathematical construct combining average temperature over time that is used to calculate the length of a Mediterranean fruit fly life cycle. Day degrees are the product of the following formula, with all temperatures measured in °F: [(Minimum Daily Temp + Maximum Daily Temp)/2] – 54° = Day Degrees.

Drip line. The line around the canopy of a plant.

Infestation. The presence of the Mediterranean fruit fly or the existence of circumstances that make it reasonable to believe that the Mediterranean fruit fly is present.

Inspector. Any employee of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

Interstate. From any State into or through any other State.

Limited permit. A document in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document is eligible for interstate

movement in accordance with § 301.78-5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

Mediterranean fruit fly. The insect known as Mediterranean fruit fly *Ceratitidis capitata* (Wiedemann) in any stage of development.

Moved (Move, Movement). Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Quarantined area. Any State, or any portion of a State, listed in § 301.78-3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.78-3(b) of this subpart.

Regulated article. Any article listed in § 301.78-2(a) or (b) of this subpart or otherwise designated as a regulated article in accordance with § 301.78-2(c) of this subpart.

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory or possession of the United States.

[56 FR 57576, Nov. 13, 1991; 56 FR 63550, Dec. 4, 1991; 62 FR 33538, June 20, 1997; 62 FR 47556, Sept. 10, 1997]

§ 301.78-2 Regulated articles.

The following are regulated articles:

(a) The following berries, fruits, nuts, and vegetables.

Almond with husk (*Prunus dulcis* (*P. amygdalus*))
 Apple (*Malus sylvestris*)
 Apricot (*Prunus armeniaca*)
 Avocado (*Persea americana*)
 Black Myrobalan (*Terminalia cherbula*)
 Cherries (sweet and sour) (*Prunus avium*, *P. cerasus*)
 Citrus citron (*Citrus medica*)
 Date (*Phoenix dactylifera*)
 Eggplant (*Solanum melongena* L.), other than commercially produced eggplant
 Fig (*Ficus carica*)
 Grape (*Vitis* spp.)
 Grapefruit (*Citrus paradisi*)
 Guava (*Psidium guajava*)
 Japanese persimmon (*Diospyros kaki*)
 Japanese plum (*Prunus salicina*)
 Kiwi (*Actinidia chinensis*)
 Kumquat (*Fortunella japonica*)

Lemon (*Citrus limon*) except smooth-skinned lemons harvested for packing by commercial packing houses.
 Lemon, Meyer (*Citrus limon* × *reticulata*)
 Lemon, Rough (*Citrus jambhiri*)
 Lime, sweet (*Citrus aurantiifolia*)
 Loquat (*Eriobotrya japonica*)
 Mandarin orange (*Citrus reticulata*) (tangerine)
 Mango (*Mangifera indica*)
 Mock orange (*Murraya exotica*)
 Mountain apple (*Syzgium malaccense* (*Eugenia malaccensis*))
 Natal plum (*Carissa macrocarpa*)
 Nectarine (*Prunus persica* var. *nectarina*)
 Olive (*Olea europea*)
 Opuntia cactus (*Opuntia* spp.)
 Orange, calamondin (*Citrus reticulata* x. *Fortunella*)
 Orange, Chinese (*Fortunella japonica*)
 Orange, king (*Citrus reticulata* x. *C. sinensis*)
 Orange, sweet (*Citrus sinensis*)
 Orange, Unshu (*Citrus reticulata* var. *Unshu*)
 Papaya (*Carica papaya*)
 Peach (*Prunus persica*)
 Pear (*Pyrus communis*)
 Pepper (*Capsicum frutescens*, *C. annuum*)
 Pineapple guava (*Feijoa sellowiana*)
 Plum (*Prunus americana*)
 Pomegranate (*Punica granatum*)
 Prune (*Prunus domestica*)
 Pummelo (*Citrus grandis*)
 Quince (*Cydonia oblonga*)
 Rose apple (*Eugenia jambos*)
 Sour orange (*Citrus aurantium*)
 Spanish cherry (*Brazilian plum*) (*Eugenia dombeyi* (*E. brasiliensis*))
 Strawberry guava (*Psidium cattleianum*)
 Surinam cherry (*Eugenia uniflora*)
 Tomato (pink and red ripe) (*Lycopersicon esculentum*)
 Walnut with husk (*Juglans* spp.)
 White sapote (*Casimiroa edulis*)
 Yellow oleander (Bestill) (*Thevetia peruviana*)

Any berries, fruits, nuts, or vegetables that are canned or dried or frozen below -17.8 °C. (0 °F.) are not regulated articles.

(b) Soil within the drip area of plants that are producing or have produced the berries, fruits, nuts, or vegetables listed in paragraph (a) of this section.

(c) Any other article, product, or means of conveyance, not covered by paragraphs (a) or (b) of this section, that presents a risk of spread of the Mediterranean fruit fly and an inspector notifies the person in possession of it that the article, product, or means of conveyance is subject to the restrictions of this subpart.

[56 FR 57576, Nov. 13, 1991, as amended at 59 FR 25791, May 18, 1994; 62 FR 33538, June 20, 1997; 62 FR 47556, Sept. 10, 1997]